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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DIAMOND RESORTS U.S. COLLECTION
DEVELOPMENT, LLC, a Delaware Limited
Liability Company,

Plaintiff,

v.

REED HEIN & ASSOCIATES, LLC d/b/a
TIMESHARE EXIT TEAM, a Washington
Limited Liability Company; BRANDON REED,
an individual and citizen of the State of
Washington; TREVOR HEIN, an individual and
citizen of Canada; THOMAS PARENTEAU, an
individual and citizen of the State of
Washington; HAPPY HOUR MEDIA GROUP,
LLC, a Washington Limited Liability Company;
MITCHELL R. SUSSMAN, ESQ. d/b/a THE
LAW OFFICES OF MITCHELL REED
SUSSMAN & ASSOCIATES, an individual and
citizen of the State of California; SCHROETER,
GOLDMARK & BENDER, P.S., a Washington
Professional Services Corporation; and KEN B.
PRIVETT, ESQ., a citizen of the State of
Oklahoma,

Case No.: **2:17-cv-03007-APG-VCF**

**ORDER TO EXTEND SPOILIATION
DISCOVERY DEADLINE AND
EXPERT DEADLINES**

[First Request]

Defendants.

Pursuant to LR IA 6-1 and Fed. R. Civ. P. 6(b)(1)(A), Plaintiff Diamond Resorts U.S. Collection Development, LLC (“Plaintiff” or “Diamond”), and Defendants Happy Hour Media Group, LLC (“Happy Hour”), Brandon Reed, Trevor Hein, Thomas Parenteau, and Reed Hein & Associates d/b/a/ Timeshare Exit Team (collectively known as “Reed Hein” and with Diamond and Happy Hour, known as the “Settling Parties”), and Defendant Mitchell Reed Sussman (“Sussman”) (collectively, with Diamond, Happy Hour and Reed Hein, known as the “Parties”) hereby stipulate to extend the deadlines set forth in the Court’s Order regarding spoliation discovery (ECF #458), and to extend the expert deadlines provided in the Court’s September 27, 2021 Order (ECF #467).

1. On May 24, 2021, Diamond filed its Third Motion to Compel (“Third Motion”) requesting an order compelling Reed Hein to produce all video recordings of its sales consultations with the Identified Owners or, in the alternative, submit a declaration explaining its search and confirming it did not have responsive records in its possession, custody, or control. ECF # 424.

2. On June 11, 2021, Reed Hein opposed the Third Motion arguing that its search for the video recordings was ongoing. ECF # 436.

3. On August 2, 2021, the Court held a hearing on the Third Motion and ordered the parties to submit a focused discovery plan on the issues raised during the hearing. ECF # 447.

4. After briefing, on August 26, 2021, the Court Ordered that the Parties complete various discovery items related to TET’s purported spoliation of video recordings by November 16, 2021. ECF #458.

5. On September 24, 2021, Reed Hein and Diamond submitted a stipulation to stay proceedings based on pending settlement discussions. ECF #466 (the “Stay Stipulation”).

6. On September 27, 2021, the Court issued an Order on the Stay Stipulation, granting it in part. ECF #467 (the “Stay Order”).

7. In the Stay Order, the Court extended the initial and rebuttal expert disclosure deadlines as requested. This extended initial expert disclosures to November 29, 2021, and

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1 rebuttal expert disclosures to December 29, 2021.¹

2 8. Since that time, Diamond and Reed Hein engaged in extensive settlement
3 negotiations, while the Deposition on Written Questions process has been ongoing (with
4 hundreds completed to date).

5 9. Diamond and Reed Hein have reached an agreement regarding settlement.

6 10. The Parties are working together to draft and finalize settlement documents
7 related to the settlement terms.

8 11. Diamond has circulated the first draft of the proposed settlement agreement for
9 TET's review.

10 12. Diamond is in the process of drafting and circulating additional draft exhibits
11 relating to the Parties' settlement agreement.

12 13. Based on the progression of settlement discussions, and as a professional
13 courtesy, Diamond granted Reed Hein an extension to respond to Diamond's written spoliation
14 discovery (as well as other discovery requests).

15 14. Diamond and Reed Hein have now reached agreement as to the monetary aspects
16 of settlement, and are in the final stages of negotiating the aforementioned mechanics and
17 documentation for the non-monetary aspects of settlement.

18 15. While Diamond and Reed Hein believe they will shortly be able to submit final
19 settlement documents, the Parties wish to extend various deadlines to ensure the Parties are not
20 prejudiced in the unlikely event settlement is unsuccessful.

21 16. In addition, Diamond and Sussman have addressed the possibility of resolution,
22 which, if successful, would fully resolve this case.

23 17. Brandon Reed and Sussman stipulate and agree that, if the Settling Parties
24 effectuate settlement before Sussman is able to notice Mr. Reed's deposition, Mr. Reed will
25 waive the personal service requirements provided under Rule 45. The purpose of this agreement

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27 ¹ The Stay Stipulation erroneously cited the discovery cutoff and dispositive motions deadlines.
28 These deadlines are correctly set forth in ECF #420, and are February 1, 2022, and March 21,
2022.

1 is to reduce litigation costs.

2 18. Sussman agrees and stipulates to serve Mr. Reed for his deposition, if at all,
3 through his counsel, Daniel Bugbee or Panda Kroll.²

4 19. Based on the foregoing, the Parties request that deadlines be extended as follows:

5 Deadline	Current Date	Proposed Date
6 Initial Expert Disclosures	November 29, 2021	December 16, 2021
7 Rebuttal Expert Disclosures	December 29, 2021	January 14, 2021

8 20. The Parties agree to extend the above-stated special discovery deadlines in order
9 to accommodate the settlement process, and to avoid incurring the significant fees and costs
10 associated with said discovery.

11 21. For the same reasons, the Parties further agree to extend the period for the rolling
12 discovery productions arising from ECF No. 342.

13 22. If the settlement between Diamond and Reed Hein does not come to fruition, or a
14 Settling Party indicates that he/it will not or cannot complete settlement under the terms, the
15 Parties shall have seven (7) judicial days to meet and confer regarding new and reasonable
16 document production deadlines.

17 23. If settlement between the Settling Parties is unsuccessful, the Parties will submit a
18 new discovery plan to this Court for its review and approval seven (7) judicial days after the
19 Parties meet and confer regarding new and reasonable document production deadlines.

20 24. The Settling Parties recognize that finalization of settlement may take additional
21 time, and are amenable to extending the above deadlines to effectuate the same.

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² Mr. Bugbee and Ms. Kroll's contact information has been provided to Sussman and his counsel.

This stipulation is made in good faith to allow the Parties to make diligent and sincere efforts to resolve this action without further involvement for the Court and is not for the purpose of causing any undue delay.

Dated this 8th day of November, 2021.

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IT IS SO ORDERED


UNITED STATES DISTRICT JUDGE

DATED: 11/12/2021